

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 19th day of May, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:

Adan Chapa	Mayor
Phillip Hyatt	Mayor Pro Tem
Ramiro Gomez	Council Member
Billy Ellis	Council Member
Vickie Abrego	Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT:

Sylvia Carrillo	City Manager
Yvonne Stonebraker	City Secretary

ADMINISTRATIVE

PERSONNEL ABSENT:

Allen Lawrence	City Attorney
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STAFF PRESENT:

Bill Haines	Emergency Mgmt/Admin. Coordinator
Michael Holmes	Building Official
Eric Blanchard	Police Chief
Jeff Martin	I.T.
Cory Elrod	Code Enforcement
Daphne Garramore	Permit Technician
Margarita Wilhelm	GIS Intern
Donna Cox	Finance Director
Nick Harwood	Police Officer

OTHERS PRESENT:

Carol Salinas, Annita West/Aransas Pass Progress, Jon Pierre Gonzales, Jim & Apha Covington, Rosemary Vega/Chamber of Commerce, John Mullenax, Teresa Thomas, Officer Brad Gamble, Officer Juan Perales, Jr, Dustin Spiers, Robert & Jovita De La Rosa, Steve Knight/Tri County EMS Dr. Daniel Jorgenson, and Patsy Lawrence.

There may have been others present who did not sign in.

1. CALL MEETING TO ORDER.

Mayor Chapa opened the meeting at 7:00 P.M.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. **CONSIDER AND ACT ON REVISED MINUTES OF APRIL 21 AND REGULAR MINUTES OF MAY 5, 2014.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve the revised minutes of April 21 and the regular minutes of May 5, 2014. Council member Ellis seconded the motion and the motion carried unanimously.

4. **CANVASS RETURNS FOR GENERAL/SPECIAL ELECTION HELD ON MAY 10, 2014.**

Discussion: Mayor Chapa canvassed the returns for the General/Special Election held on May 10, 2014.

5. **CONSIDER AND ACT ON APPROVING RESOLUTION 2014-728 – A RESOLUTION ORDER DECLARING RESULTS OF CITY OFFICER’S ELECTION.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Gomez

Votes: Aye Hyatt, Gomez, Ellis, Abrego, Chapa

Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve Resolution 2014-728 – A resolution order declaring results of City Officer’s Election. Council member Gomez seconded the motion and the motion carried unanimously.

6. **OATH OF OFFICE AND SWEARING IN ELECTED OFFICIALS – COUNCIL MEMBER PLACE 2 – WILLIAM “BILLY” ELLIS AND COUNCIL MEMBER PLACE 4 – VICKIE ABREGO BY CITY ATTORNEY ALLEN LAWRENCE.**

Discussion: City Attorney Allen Lawrence administered the Oath of Office and Swore In elected City Officials –Council Member Place 2 – William “Billy” Ellis and Council Member Place 4 – Vickie Abrego.

7. **PRESENTATION OF CERTIFICATE OF ELECTION OF ELECTED OFFICIALS – COUNCIL MEMBER PLACE 2 – WILLIAM “BILLY” ELLIS AND COUNCIL MEMBER PLACE 4 – VICKIE ABREGO.**

Discussion: Mayor Chapa presented Certificates of Election to Council Member Place 2 – William “Billy” Ellis and Council Member Place 4 – Vickie Abrego and seated Elected Officials in their place.

8. **CONSIDER AND ACT ON APPOINTING MAYOR PRO TEM FOR ENSUING YEAR.**

Motion Made By: Council member Ellis

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Chapa

Nay:

Discussion: Council member Ellis made a motion to approve Council member Abrego as Mayor Pro Tem for the ensuing year. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

9. **AWARD PRESENTATION BY ARANSAS PASS POLICE CHIEF ERIC BLANCHARD TO OFFICER NICK HARWOOD FOR HIS LIFE SAVING ACT OF BECOMING A LIVING VOLUNTEER STEM CELL DONOR FOR AN INFANT WITH LEUKEMIA THAT IS ALMOST ALWAYS FATAL WITHOUT A BONE MARROW TRANSPLANT.**

Discussion: Police Chief Eric Blanchard presented Officer Nick Harwood with a plaque for his life saving act of bone marrow transplant for an infant with Leukemia. Council congratulated Officer Harwood and gave a standing ovation.

10. **CHIEF OF POLICE ERIC BLANCHARD RECOGNIZING HEROES.**

Discussion: Police Chief Blanchard stated on Friday, May 9, 2014, a young lady, while using her cell phone, drove off one of the boat ramps in Conn Brown Harbor. A group of fisherman and their tour captain took notice and immediately sprung into action. The five good Samaritans tried repeatedly to open the doors on the vehicle as it continued to drift and sink into the water. These good Samaritans then tried to break the vehicles glass as the female was also trying to break out. Still their efforts failed. By that time the vehicle had drifted to the end of the pier along the boat launch.

The good Samaritans were then able to gain control over the vehicle and force it back to the entrance of the boat launch before it could drift or sink any further. Once settled back on the boat ramp, they were able to open the back door and ultimately rescue the young lady.

Police Chief Blanchard stated he would like to recognize all 5 Good Samaritans: Captain Dave Dupnik, local fishing guide and Harold Hugh Fisher, Darwin Davis, Colton Davis and Sam Rodgers all of Fort Worth, Texas.

11. **TEXAS A&M UNIVERSITY CORPUS CHRISTI MASTER OF PUBLIC ADMINISTRATION:**

b. AQUATIC CENTER EVALUATION PRESENTED BY DR. SARAH SCOTT, ASSISTANT PROFESSOR OF CRIMINAL JUSTICE AND PUBLIC ADMINISTRATION.

Discussion: Dr. Sarah Scott was unable to attend. Aransas Pass Aquatic Center presented by Mr. Christopher Flores.

Mr. Flores stated, "The purpose of the AP Aquatic Center Program Review Guidelines, to be overseen by the City Manager, is to establish a self-monitoring system that provides oversight of the facility's performance and compliance. Oversight involves monitoring specific activity areas, conducting risk assessments for the purpose of creating review guidelines, and analyzing activity performance trends and other data to achieve continuous program involvement. By periodically obtaining and review the data, administrators will be able to determine where they need to focus in order to make improvements within their organization. It is recommended that the program review be thoroughly examined by

organizationally independent, trained reviewers, who are specialists in the areas being examined and should be conducted on an annual basis.” Mr. Flores stated there were eight guidelines that should be followed by staff in order to document and detail pertinent park information: 1) monitor park entrance procedures and determine if park attendant is complying with policies and procedures pertaining to data entry; 2) examine all policies and procedures to determine if they have been updated and are being implemented as written; 3) monitor park guests to determine if they are complying with park rules and regulations as they pertain to entrance procedures; 4) interview lifeguards on post and determine if they are knowledgeable in the procedures of pool, tool, and equipment safely; 5) monitor staff to determine whether they are complying with safety precautions and are able to answer questions from guests; 6) conduct visual observations of the facility on a random basis to determine if there are any safety violations and whether corrective action has taken place; 7) occasionally interview guests regarding the orderly operation of the facility; and, 8) review end-of-business day totals and document any discrepancies. Mr. Flores stated a customer survey was given to patrons as they entered the Aquatic Center and there was not a lot of participation. On the information that was given, most of the pool patrons were not from Aransas Pass, only 3.45% of those patrons were pass holders, open swim was their most participated program, they were satisfied with the pools and were satisfied with the restroom/locker room.

City Manager Carrillo introduced Ms. Manuela Camarillo as the City of Aransas Pass’ new Parks and Recreation Director.

a. CAPSTONE PRESENTATION BY DR. DANIEL JORGENSEN, PROFESSOR OF PUBLIC ADMINISTRATION.

Discussion: Dr. Jorgenson stated his students focused on three different areas of the Aransas Pass Fire Department which was facility depreciation, aging vehicles and human capital resources. He stated there were a limited number of firemen which currently does not meet the National Fire Protection Act of 2 in - 2 out. He stated presently, Aransas Pass had nine firefighters, three per shift. He stated the fire department and vehicles were in constant need of repair. He stated the last mitigation plan done for Aransas Pass was performed by the Council of Governments and contained a wide area. He stated the City of Aransas Pass needed their own mitigation plan. He stated the ISO rating for Aransas Pass dropped from a 4 to a 5. He stated the ISO rating depended of 4 areas 1) emergency communications; 2) fire department; 3) water supply; and, 4) community risk reduction. Dr. Jorgenson stated presently Aransas Pass has the Firehouse Program and with proper training, the firehouse program could help with strategic training. Dr. Jorgenson recommended a staff of 12 firefighters, capital budgeting with long term commitment, local risk assessment for the City of Aransas Pass, update fire department and equipment, and more training on Fire House.

12. CITY OF ARANSAS PASS AUDIT FOR FISCAL YEAR 2012-2013:

a. PRESENTATION BY BRENDA MCELWEE,PC

b. CONSIDER AND ACT ON FYE 2012-2013 AUDIT

Discussion: **Tabled; not ready for presentation.**

13. CONSIDER AND ACT ON REQUEST OF MR. JOHN MULLENAX, ST. MARY'S STAR OF THE SEA CATHOLIC CHURCH, TO CLOSE RIFE STREET BETWEEN GOODNIGHT AVENUE AND WILSON AVENUE FROM 9:30 AM TO 8:00 PM FOR THEIR 6TH ANNUAL FALL FESTIVAL ON SATURDAY, SEPTEMBER 20, 2014.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council member Gomez

Votes: Aye Abrego, Gomez, Ellis, Hyatt,

Abstained: Chapa

Discussion: Mayor Pro Tem Abrego made a motion to approve request of Mr. John Mullenax, St. Mary's Star of the Sea Catholic Church, to close Rife Street between Goodnight Avenue and Wilson Avenue from 9:30 am to 8:00 pm for their 6th Annual Fall Festival on Saturday, September 20, 2014. Council member Gomez seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON REQUEST BY MR. FRED DEASES FOR THE ARANSAS PASS HIGH SCHOOL 25TH ANNUAL PROJECT GRADUATION FOR USE OF THE ARANSAS PASS AQUATIC CENTER AND LIFEGUARDS ON GRADUATION NIGHT FRIDAY, JUNE 6, 2014 FROM MIDNIGHT TO 2 AM.

Motion Made By: Council member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Nay:

Discussion: Council member Hyatt made a motion to approve the request of Mr. Fred Deases for the Aransas Pass High School's 25 Annual Project Graduation for use of the Aransas Pass Aquatic Center and lifeguards on graduation night Friday, June 6, 2014 from midnight to 2am. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

15. CONSIDER AND ACT ON PURCHASE OF AN OUTDOOR MOVIE THEATER PACKAGE IN ORDER TO CREATE MOVIES IN THE HARBOR PROGRAM.

Motion Made By: Council member Ellis

Seconded By: Council member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa

Nay:

Discussion: Council member Ellis made a motion to approve purchase of an outdoor movie theater package in order to create movies in the Harbor Program. Council member Hyatt seconded the motion and the motion carried unanimously.

16. CONSIDER AND ACT ON CREATING A LOTTERY SYSTEM FOR NON-PROFIT ORGANIZATIONS TO PARTICIPATE IN FUTURE CITY EVENTS AS FUNDRAISING OPPORTUNITIES.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council member Hyatt

Votes: Aye Abrego Hyatt, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated the “lottery” for non-profits would give the non-profits fundraising opportunities for their organizations. She stated non-profits could sell food, beverages and novelties. She stated the non-profits could not come to Council and ask for money to purchase items to sell for their organizations. City Manager Carrillo stated all participating non-profits would be current in their 501©3 status to participate.

Mayor Pro Tem Abrego made a motion to approve the creation of a lottery system for non-profit organizations to participate in future city events as fundraising opportunities. Council member Hyatt seconded the motion and the motion carried unanimously.

17. **CONSIDER AND ACT ON REVISION TO MR. ROLAND PENA’S FACILITY LICENSE AGREEMENT.**

Motion Made By: Council member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated Mr. Pena would like to revise his Facility License Agreement to add another day of play to his contract for an additional \$200.00.

Council member Hyatt made a motion to approve revising Mr. Roland Pena’s Facility License Agreement by adding another day of play for an additional \$200.00 per month. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

18. **CONSIDER AND ACT ON INSPECTION DEPARTMENT ITEMS:**

a. PROPOSED DEVELOPMENT AGREEMENT FOR DUSTIN SPIERS. THE PROPERTY IS DESCRIBED AS TRACT 8, BLOCK 204, BURTON & DANFORTH, 5 ACRES, W. STODDARD AVE., ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED (R16) -FAMILY DWELLING DISTRICT.

Motion Made By: Council member Ellis

Seconded By: Council member Hyatt

Votes: Aye Ellis, Hyatt, Abrego, Gomez, Chapa

Nay:

Discussion: **Tabled; will come back before Council.**

b. PROPOSED DEVELOPMENT AGREEMENT FOR ROBERT DE LA ROSA. THE PROPERTY IS DESCRIBED AS LOT 2A, BLOCK 202, BURTON & DANFORTH, 1503 W. MCCLUNG, ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED (R16) SINGLE-FAMILY DWELLING DISTRICT.

Motion Made By: Council member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated Robert & Jovita De La Rosa will pay their sewer tap fee of \$800 w/interest rate 3.50% in 12 payments of \$67.94. She stated Mr. & Mrs. De La Rosa agree that should the City not provide sewer line service to the above mentioned property within seven (7) years of the date of this agreement, the Owner, shall be due a refund of all fees paid and interest earned; the Owner must make application to the City of Aransas Pass for such refund and when sewer line is made available and the De La Rosa's agree to tie onto such line within 18 months.

c. PUBLIC HEARING ON PROPOSED CHANGE TO REMOVE MANUFACTURED HOME USE, AS THE PRIMARY USE, FROM ALL ZONING DISTRICTS WITH THE EXCEPTION BEING (MH) MANUFACTURED HOUSING DISTRICTS.

Discussion: City Attorney Allen Lawrence held Public Hearings on 18c and 18e together.

City Attorney Allen Lawrence opened the Public Hearings regarding proposed change to remove Manufactured Home Use from all Zoning Districts with the exception being Manufactured Home Districts **and** proposed changes to the General Business (GB) Zoning Chart Use at 8:25 P.M.

City Manager Carrillo stated she would like to remove Manufactured Home Use from all Zoning Uses. She stated citizens could place a mobile home on their property while their house was being built and the manufactured home could not be older than 10 years. City Manager Carrillo stated she would like to submit the following changes to the General Business Use Chart - **10-202 ACCESSORY AND INCIDENTAL USES - #11** Accessory Building – Residential -Proposed to remove Use; **#12** Community Center – Private - Proposed to remove Use; **#17** Servant or Caretakers Quarters - Proposed to remove Use; **#18** Stables (Private) *Minimum 3 Acres - Change from Use to Conditional Use; **#19** Swimming Pool – Private - Proposed to remove Use; **10-203 UTILITY AND SERVICE USES; #24** Electrical Energy Generating Plant - Proposed to remove Conditional Use; **#33** Sewage Treatment Plant - Proposed to remove Conditional Use; **#39** Water Treatment Plant - Proposed to remove Use; **10-205 ADVERTISING AND SIGN USE - #58** Name Plates - Proposed to remove Use; **#59** Real Estate - Proposed to remove Use; **#60** Construction - Proposed to remove Use; **#61** Development - Proposed to remove Use; **#63** Institutional - Proposed to remove Use; **#64** Apartment Wall - Proposed to remove Use; **#65** Apartment Wall - Proposed to remove Use; **#68** General Business - Proposed to remove Use; **#69** Special Height - Proposed to remove Use; **#70** Advertising - Proposed to remove Use - **10-208 PLANTS, PETS AND ANIMALS AND RELATED USES - #92** Anim. Clin. Or Hosp./Kennel-Outside Run - Proposed to add Conditional Use - **10-210 RETAIL SALES USE - #146** Tool Rental - Proposed to change from Use to Conditional Use - **10-212 TRANSPORTATION TYPE USES - #163** Airport or Landing Field - Proposed to remove Use; **#164** Bus station or Terminal - Proposed to change from Use to Conditional Use; **#171** Railroad Passenger Station - Proposed to remove Use - **10-213 MOTOR VEHICLES & RELATED USES - #182** Auto Painting or Body Rebuilding Shop - Proposed to remove Use - **10-214 STORAGE, PROCESSING & COMMERCIAL USES - #203** Lumber Yard - Proposed to change from Use to Conditional Use; **#204** Lithographer or Printing Plant - Proposed to change from Use to Conditional Use - **10-216 MARINE USES - #242** Boat Dock or Mooring – Business - Proposed to change from Use to Conditional

Use; #247 Boat or Ship Building - Proposed to remove Use; #261 House Boat - Proposed to remove Use.

City Attorney Lawrence asked if there was anyone who would like to speak in favor or opposition of proposed changes.

There were none.

City Attorney Lawrence closed the Public Hearings at 8:38 P.M.

d. CONSIDER AND ACT ON PROPOSED CHANGE TO REMOVE MANUFACTURED HOME USE, AS THE PRIMARY USE, FROM ALL ZONING DISTRICTS WITH THE EXCEPTION BEING (MH) MANUFACTURED HOUSING DISTRICTS.

Motion Made By: Council member Ellis

Seconded By: Council member Gomez

Votes: Aye Ellis, Gomez, Abrego, Hyatt, Chapa

Nay:

Discussion: Agenda Items 18d and 18f were approved in one motion.

Council member Ellis made a motion to approve a change to remove Manufactured Home Use, as the primary use, from all Zoning Districts with the exception being (MH) Manufactured Housing Districts and changes to the General Business (GB) Zoning Use Charts. Council member Gomez seconded the motion and the motion carried unanimously.

e. PUBLIC HEARING ON PROPOSED CHANGES TO THE GENERAL BUSINESS (GB) ZONING USE CHARTS.

Public Hearing held with Agenda Item 18c.

f. CONSIDER AND ACT ON PROPOSED CHANGES TO THE GENERAL BUSINESS (GB) ZONING USE CHARTS.

Approved under Agenda Item 18d.

19. CONSIDER AND ACT ON ACCEPTING BID FOR WASTE WATER TREATMENT PLANT ROOF.

Motion Made By: Council member Hyatt

Seconded By: Council member Ellis

Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Nay:

Discussion: Council member Hyatt made a motion to accept Berryman Roofing's bid of \$26,081.71 (office bldg) and \$13,657.52 (Chlorine and Diesel Bldg) both being located at the Waste Water Treatment Plant. Council member Ellis seconded the motion and the motion carried unanimously.

20. DEPARTMENT UPDATES: FINANCE DEPT – PUBLIC INVESTMENT FUNDS ACT

Finance Director Donna Cox stated she would like to come before City Council on the Monday, June 2, 2014 City Council meeting to present a list of financial advisors.

CITY MANAGER UPDATES: OPEN RECORD REQUEST FORM

City Manager Carrillo stated staff would like to keep track of records requested by staff members and council.

21. **CITIZENS' COMMENTS**

Name: J.P. Gonzales

Address:

Concern: None

Departments Affected: All

Discussion: Mr. Gonzales was glad to see all city employees working together.

Name: Carol Salinas

Address:

Concern: water fountain

Departments Affected: Water Dept.

Discussion: Ms. Salinas would like to see the water fountain on Harrison Blvd. working again.

22. **ADJOURNMENT OF MEETING.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council member Ellis

Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Discussion: No discussion needed.

Mayor Chapa closed the City Council Meeting at 8:38 P.M.

Adan Chapa, Mayor

Yvonne Stonebraker, City Secretary

